

**DOCKET FOR REGULAR COUNCIL MEETING OF
TUESDAY, JUNE 26, 2001 AT 10:00 A.M.
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**DOCKET FOR REGULAR COUNCIL MEETING OF
TUESDAY, JUNE 26, 2001 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at 525-3602.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA (ITEMS 100 - 103) WILL BE DISCUSSED FOLLOWING ACTION ON THE ADOPTION AGENDA (ITEMS 200 - 333).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

None.

ORDINANCE TO BE INTRODUCED:

None.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102 and 103.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

5/14/2001

5/15/2001

5/21/2001

5/22/2001

6/04/2001 at 2:00 p.m.

6/04/2001 at 6:30 p.m.

6/05/2001

SPECIAL ORDERS OF BUSINESS

ITEM-31: William Tayari Howard Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1649)

Commending William Tayari Howard for his dedicated service to the City of San Diego;

Proclaiming June 25, 2001 to be "William Tayari Howard Day" in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Ronald A. Reina Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1650)

Recognizing the many accomplishments and dedication of Ron Reina and proclaiming June 25, 2001 to be "Ronald A. Reina Day" in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-33: Jackie Robinson YMCA Monarchs Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1745)

Commending the Monarchs for their accomplishments;

Proclaiming June 25, 2001 to be "Jackie Robinson YMCA Monarch's Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-100: Special Delivery San Diego Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1700)

Recognizing the 10th anniversary of Special Delivery San Diego, and commending them for their outstanding meal-delivery service which has greatly benefitted the HIV/AIDS community in San Diego;

Proclaiming June 22, 2001 to be "Special Delivery San Diego Day" in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-101: Appointing Barry Schultz and Anthony Lettieri to the City of San Diego Planning Commission.

(See memorandum from Mayor Murphy dated 5/18/2001.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1651)

Council confirmation of the following appointments by the Mayor to serve as members of the Planning Commission for four-year terms ending January 28, 2005:

Appointments:

Barry J. Schultz
(replacing Mark Steele, whose term has expired)

Anthony J. Lettieri - Vice Chair
(replacing Andrea P. Skorepa, whose term has expired)

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-102: Ernesto Ruffo Appel Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1755)

Recognizing and appreciating the assistance of Ernesto Ruffo Appel, Governor of the State of Baja California, for his dedication to the welfare of the international relationship between Mexico and our city; and proclaiming June 21, 2001, as "Ernesto Ruffo Appel Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-103: Ruth Schneider Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1756)

Recognizing and appreciating the assistance of Ruth Schneider on behalf of the people of San Diego and proclaiming June 26, 2001 to be "Ruth Schneider Day" in San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTION:

ITEM-200: Slope Easement Abandonment.

(Pacific Beach Community Area. District-6.)

(Continued from the meeting of May 22, 2001, Item 104, at the request of Council, to allow the in-coming Councilmember from District 6 to review and vote on the item.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1418)

Vacating the slope easement located in Lots 53 through 58, Block 7 of Floral Terrace, Map 1635.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a slope easement in Lots 53 through 58 in Block 7 of Floral Terrace Subdivision Map 1635, which is located in the Pacific Beach Community area within Council District 6. The easement was granted to the City in 1961 for earth excavation and embankment for road purposes. The street has been constructed and the slope easement is no longer necessary. The easement to be abandoned was acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

NOTE: It is anticipated that this item will be continued to Tuesday July 31, 2001.

ITEM-330: Chevron Gas Station - Sorrento Hills.

(Continued from the meeting of April 17, 2001, Item 332, at the request of Council Member Peters, to allow for the time necessary to do a site specific health risk assessment.)

Matter of the appeals by Chevron Products and Richard Kiy for Torrey Hills Community Coalition, from the decision of the Planning Commission in denying the appeal of the decision of the Hearing Officer and approving the project with modifications. Chevron Corporation proposes to construct and operate a limited-hours gas station, mini-mart and automated car wash facility on a vacant 2.48-acre site located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive within the Sorrento Hills Community Plan area.

(99-1200 PCD/CUP. Sorrento Hills Community Plan area. District-1.)

NOTE: Public testimony portion of hearing closed, except for specific issues regarding health assessment. Testimony taken on 4/17/2001. District 6 vacant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; and adopt the resolution in subitem B to deny the appeals and grant the permit:

Subitem-A: (R-2001-)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND) LDR-99-1200 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered by the Council prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2001-)

Adoption of a Resolution granting or denying the appeal and granting or denying Planned Commercial Development/Conditional Use Permit No. 99-1200, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on February 1, 2001 voted 6 - 0 to deny the Sorrento Hills Community Planning Board's appeal and upheld the previous decision of the Hearing Officer approving the project, however the Commission conditioned their approval of this project upon modifications; was opposition.

Ayes: Anderson, Garcia, Steele, Brown, Butler, Stryker
Not present: Skorepa

The Sorrento Hills Planning Committee on October 17, 2000, voted unanimously (8 - 0) to recommend denial of the project.

CITY MANAGER SUPPORTING INFORMATION:

The 2.48-acre project site is located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive within the CC-1-3 (formerly the CA) zone of the Sorrento Hills Community Plan.

In summary, the project proposes to construct and operate a self-service gasoline station, convenience store, and an automated car wash on the subject property. Following is a description of the various building and site improvements proposed for this project:

Gas station: Construct a self-service gas station in the central portion of the property; including the installation of two (20,000 gallon) underground fuel storage tanks, six fuel pump islands

(totaling 12 fuel dispensers), and construction of a 23-foot high steel frame canopy above the fuel pump area.

Convenience store: Construct a one-story (3,000 square-foot) convenience store in the northeast portion of the property. This building (maximum height of 26-feet) would be constructed with natural stone, painted stucco walls, and a clay tile roof. In addition to the retail sale of food, fuel and general merchandise items, the applicant is also proposing to sell alcoholic beverages (beer and wine only) in the convenience store.

Carwash: Construct a one-story automated car wash in the southeastern portion of the site, behind the proposed fuel pump area. The plans indicate that the design of this structure would match the architectural style of the convenience store.

Parking: A total of 16 parking spaces would be provided on site for customers and employees of the development. The amount and location of these parking spaces is consistent with requirements of the City Engineer.

Access: Vehicle access to the site would be provided via the construction of three commercial driveways; including two (30-foot wide) driveways along the eastern project frontage on East Ocean Air Drive, and one (35-foot wide) driveway along the project's Carmel Mountain Road frontage.

Landscaping: The project's landscape plan includes a variety of street trees, shrubs and groundcovers which were selected by the applicant to achieve compliance with the City's Landscape Technical Manual and the Sorrento Hills Community Plan; and features the installation of a number of trees and decorative shrubs along the perimeter of both street frontages; and at various locations within the site's interior.

In accordance with the Planning Commission's approval of this project, and prior to the recordation of any permits with the County Recorder's Office, the applicant will be required to modify the project's landscape plan to replace all deciduous trees with non-deciduous species (24-inch box "broad leaf evergreen"); and install double-rows of evergreen shrubs (4- to 5-foot high) along the project frontage on Carmel Mountain Road to provide increased screening of the proposed commercial uses.

NOTE: On March 20, 2001 Council voted unanimously to hear the appeal (Council District 2 - not present, Council District 6 - vacant).

FISCAL IMPACT: None.

Loveland/Christiansen/KS

LEGAL DESCRIPTION:

The property is located at 11140 East Ocean Air Drive, on the southwest corner of Carmel

Mountain Road and East Ocean Air Drive in the Sorrento Hills community and is more particularly described as Parcel 1, Map 18123.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Second Update to the Land Development Code.

This action includes adopting an ordinance amending the effective date of the Second Update to the Land Development Code which was approved by the City Council on December 12, 2000 and certified by the California Coastal Commission on May 8, 2001.

(Citywide.)

CITY MANAGER'S RECOMMENDATION:

Introduce the Ordinance:

(O-2001-172)

Introduction of an Ordinance of the Council of the City of San Diego amending the effective date of the previously approved Second Update to the Land Development Code.

COMMITTEE ACTION:

Land Use and Housing Committee's Recommendation - On September 20, 2000, the Land Use and Housing Committee voted 4-0 to recommend approval of the Second Quarterly Update to the LDC with one modification. The committee recommended deleting the proposed provision that would require an additional parking space for guest quarters.

OTHER RECOMMENDATIONS:

Planning Commission on August 17, 2000 voted 6-0 to approve; was opposition.

Ayes: Steele, Anderson, Brown, Butler, Stryker, White

Not present: Skorepa

On August 17, 2000, the Planning Commission voted 6-0 to recommend approval of the minor format and reference corrections, consistency corrections, subdivision procedures, the Transit Area Overlay Zone update, and the Carmel Valley Planned District Ordinance parking regulations and to continue the hearing on the proposed amendments to

telecommunication facilities regulations and floodplain regulations until September 28, 2000. They also continued the issue relating to curation procedures in the Historical Resources Guidelines until language acceptable to the Historical Resources Board is developed.

Planning Commission on September 28, 2000 voted 5-0 to approve; no opposition.

Ayes: Steele, Anderson, Brown, Butler, Stryker

Not present: Skorepa, White

At the September 28, 2000 hearing, the Planning Commission voted 5-0 to recommend approval of the floodplain regulations and the telecommunication facilities regulations with one addition. The Commission recommended that antennas and associated equipment proposed to be undergrounded and located in the public right-of-way in the near vicinity (100 feet) of residential uses should be required to obtain a Neighborhood Use Permit, decided in accordance with a Process Two.

No community planning group has submitted a recommendation.

This is a matter of a Citywide effect.

SUPPORTING INFORMATION:

On January 8, 2001, the City Council adopted Ordinance O-18910 approving amendments to the Land Development Code (LDC) as part of the Second LDC Update. The amendments were then submitted to the California Coastal Commission for certification as part of the City of San Diego's Local Coastal Program.

On May 8, 2001, the California Coastal Commission certified the Second LDC Update without any modifications, except for the amendments relating to floodplain regulations. The Commission will consider the amendments to the floodplain regulations at a future hearing.

Because all of the issues in the Second LDC Update were approved under one ordinance, a new ordinance stipulating the correct effective date must be adopted by the City Council in order to implement the approved and certified amendments.

FISCAL IMPACT: None.

Loveland/Christiansen/BAM

LEGAL DESCRIPTION: Citywide.

ENVIRONMENTAL IMPACT: Action on the ordinance amending the effective date of the previously approved Second Update to the Land Development Code is exempt from CEQA pursuant to the State Guidelines Section 15061(b)(3).

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Three actions related to State Route 56 Project - Middle Segment (Carmel Country Road to Black Mountain Road).

(See City Manager Report CMR-01-132. Torrey Highlands Planned Urbanizing Area and Subarea III Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1751)

Authorizing the City Manager to amend the Cooperative Agreement with the San Diego Association of Governments and California Department of Transportation for funding and right-of-way acquisition for the State Route 56 Project - Middle Segment (Carmel Country Road to Black Mountain Road.)

Subitem-B: (R-2001-1752)

Amending the FY2001 Capital Improvements Program by amending CIP-52-463.0 by increasing the appropriation by an amount not to exceed \$34,850,000 (\$24,037,000 from Fund No. 38976 and \$10,813,000 from Fund No. 38977), for the acquisition of property rights, condemnation, labor, appraisal, relocation, title, escrow, and miscellaneous costs;

Authorizing the expenditure of an amount not to exceed \$34,850,000 from CIP-52-463.0 for the acquisition of property rights, condemnation, labor, appraisal, relocation, title, escrow, and miscellaneous costs, contingent upon certification by the City Auditor and Comptroller of funds being available;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-C: (R-2001-1750)

FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION.

Determining that the public interest and necessity require the acquisition of certain land for the State Route 56 Project - Middle Segment (Carmel Country Road to Black Mountain Road) and directing the filing of eminent domain proceedings to

condemn, acquire, and obtain prejudgement possession of the property for use of the City;

Stating for the record that the final Environmental Impact Report LDR-95-0099, dated May 14, 1998, and adopted June 16, 1998 and July 21, 1998, by Resolution Nos. R-290286 and R-290467, has been reviewed and considered by Council.

Note: **6** votes required for Subitem C.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-333: Initial Steps to Issue Housing Revenue Bonds for Harbor View Villas.

(See San Diego Housing Commission Report HCR-01-069. Chollas View Community Area. District-4.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1705)

Approving the issuance of bonds by the Housing Authority of the City of San Diego in a principal amount not to exceed \$4,500,000 to finance the acquisition and rehabilitation of the Harbor View Villas Project pursuant to section 147(f) of the Internal Revenue Code of 1986.

ITEMS PULLED FROM CONSENT AGENDA

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT